

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re EpiPen ERISA Litigation

Case No. 0:17-1884-PAM-SER

**DEFENDANTS OPTUM, INC., OPTUMRX, INC., OPTUMRX HOLDINGS, LLC,  
UNITED HEALTHCARE SERVICES, INC.,  
AND UNITEDHEALTH GROUP INCORPORATED'S MOTION TO DISMISS**

Defendants Optum, Inc., OptumRx, Inc., OptumRx Holdings, LLC, United HealthCare Services, Inc., and UnitedHealth Group Incorporated, by and through their undersigned counsel, respectfully move to dismiss with prejudice all claims asserted against them in the Consolidated Class Action Complaint in the above-referenced action.

This Motion is made pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure on grounds that Plaintiffs lack Article III standing, and thus this Court has no subject-matter jurisdiction over their claims; the Complaint fails to plead a plausible claim; and the Complaint fails to state a claim upon which relief may be granted.

This Motion is based upon all the files and records herein, including Defendants' Combined Memorandum of Law in Support of Their Motions to Dismiss and all exhibits and declarations thereto, as well as the arguments of counsel.

Dated: June 1, 2018

*s/ Donald T. Campbell*

---

Donald T. Campbell (MN Bar No. 026217  
Kadee J. Anderson (MN Bar No. 0389902)  
STINSON LEONARD STREET  
50 South Sixth Street, Suite 2600  
Minneapolis, MN 55402  
Phone: (612)335-1500  
E-mail: donald.campbell@stinson.com  
E-mail: kadee.anderson@stinson.com

AND

Brian D. Boone (*Pro Hac Vice*)  
ALSTON & BIRD LLP  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 29280-400  
704-444-1000  
brian.boone@alston.com

William H. Jordan (*Pro Hac Vice*)  
Elizabeth Broadway Brown (*Pro Hac Vice*)  
Jordan E. Edwards (*Pro Hac Vice*)  
ALSTON & BIRD LLP  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309-3424  
404-881-7000  
bill.jordan@alston.com  
liz.brown@alston.com  
jordan.edwards@alston.com

*Attorneys for Defendants Optum, Inc.,  
OptumRx Holdings, LLC, OptumRx, Inc.,  
United HealthCare Services, Inc. and  
UnitedHealth Group Inc.*